

**NOT FOR CITATION**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL JAMES BARTOSH,

Plaintiff,

No. C 05-4164 PJH (PR)

v.

**ORDER OF DISMISSAL**

RICHARD J. KIRKLAND, Warden,  
Pelican Bay State Prison,

Defendant.

Plaintiff, an inmate at Pelican Bay State Prison, filed a pro se civil rights complaint under 42 U.S.C. § 1983, and requested leave to proceed in forma pauperis. He has now filed two motions to withdraw the complaint, saying that he intends to proceed in state court instead. He also asks to "withdraw" the request to proceed in forma pauperis. The motions are voluntary dismissals of the case, for which he does not need the court's permission. See Fed. R.Civ.P. 41(a)(1).

Plaintiff has voluntarily dismissed this case. His motions (docs 3 & 4) are **DENIED** as unnecessary. His request to proceed in forma pauperis (doc 2) is **DENIED**. No fee is due. The clerk shall close the file.

**IT IS SO ORDERED.**

Dated: April 13, 2006.



PHYLLIS J. HAMILTON  
United States District Judge